

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 17-64 (DWF/KMM)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	GOVERNMENT'S POSITION
v.)	REGARDING SENTENCING
)	
)	
EDWARD S. ADAMS,)	
)	
Defendant.)	

The United States of America, by and through its attorneys, Erica H. MacDonald, United States Attorney for the District of Minnesota, and Joseph H. Thompson, Kimberly A. Svendsen, and Jordan L. Sing, Assistant United States Attorneys, submits the following sentencing memorandum.

I. BACKGROUND

Defendant Edward Adams willfully failed to report certain income for tax years 2008, 2009, and 2010. In April 2015, Adams entered into a closing agreement with the IRS as part of the Voluntary Disclosure Program. In his closing agreement, Adams admitted that he underreported his federal income tax liabilities for the tax years 2008, 2009, and 2010, as a result of a missed capital gain that was not previously reported.

Specifically, for the tax year 2008, Adams admitted that he failed to report income from the sale of stock in the amount of \$81,000. He also admitted that he failed to report \$424,755 from the sale of stock in tax year 2009, and \$90,025 from the sale of stock in tax year 2010.

As part of his closing agreement, Adams paid approximately \$118,000 in additional taxes that he owed on this income to the IRS.

On October 24, 2019, Adams pled guilty to a one-count information charging him with willfully failing to pay tax, in violation of 26 U.S.C. § 7203.

II. THE PRESENTENCE INVESTIGATION REPORT

The November 2018 edition of the U.S. Sentencing Guidelines Manual applies in this case. The government agrees with the PSR's Guidelines calculation.

The base offense level is 6 pursuant to Guidelines § 2T1.1(a)(2). PSR ¶18. The offense level is reduced 2 levels pursuant to Guidelines § 3E1.1(a) because the defendant accepted responsibility for his offense. PSR ¶25. The resulting offense level is 4. PSR ¶25. The defendant falls in criminal history category I. PSR ¶33.

With an offense level of 4 and a criminal history category of I, the advisory Guidelines range is 0 to 6 months in prison. PSR ¶ 56.

III. GOVERNMENT'S SENTENCING RECOMMENDATION

The government respectfully requests that the Court sentence Adams to a one-year term of probation.

Respectfully Submitted,

Dated: January 9, 2020

ERICA H. MacDONALD
United States Attorney

BY: /s/ Joseph H. Thompson
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